IV. REMARKS

1. Claims 1, 2, 4-6, 10, 17-20, 22-26, 30 and 31 are not anticipated by Tavor under 35 U.S.C. §102(b).

Applicant's invention according to claim 1 selects a question to be presented to the user to assist in the identification of a suitable product from a set of potentially suitable products. The question is selected from a group of questions stored in the system. To select the question, feature of the products in the set are defined, product scores are associated with the respective products in the set, and rule data are stored. Rules are defined that relate answers associated with the questions to product feature constraints. Question scores are calculated for the respective questions such that the question score for each question is dependent on one of:

(a) the product scores of any products excluded from the set if the rule relating to an answer associated with that question is effective, and

(b) the product scores of any products retained in the set if the rule relating to an answer associated with that question is effective.

These features are not disclosed or suggested by Tavor.

Tavor does not provide rules that link answers of questions to product feature constraints. Tavor relates answers to questions to "products". For instance, in Tavors example relating to diamond carats is used to directly reason about the suitability of "products." i.e. is it a one carat or a two carat diamond- each of which is a separate product. Tavor is not used to deduce product feature constraints, such as the features of the one or

two carat diamond, or more precisely, product preferences such as for example, "processor speed = 300".

Claim 1 recites defining rules relating answers associated with the questions to product feature constraints. In Applicant's invention the rules relate question answers not to products but rather to "product features".

In Tavor, the question answer relates to the product that will be purchased and is used to suggest products to be purchased. Thus, in Col. 8, lines 36-53, the question asks about the type of diamond, the answers being defined by carat size. The answer to the question is used by Tavor to directly reason about the suitability of products, one carat, below one carat etc. (Col. 8, lines 43-46). In Applicant's invention, the question is, for example, "Do you intend to do presentations with your computer?" The answer relates to features associated with questions, such as the need for an LCD screen. (Page 12, lines 10-15). Thus, in Tavor, the question is directed to what kind of product are you looking for, which is not the same as Applicant's invention.

Tavor does not disclose or suggest question selection based on scores as recited in claim 1. Rather, Col. 6, lines 5-15 relates to "recommending the product for the user." (Col. 6, lines 12-13). This is an important distinction because in Applicant's invention as recited in claim 1, we define "features of products", define "product scores", define "rules relating answers associated with said questions to product feature constraints", "calculate question scores" and select the "question to be presented" base on the question sores. Thus, in Applicant's invention, the rules link answers of questions to product feature constraints. Tavor recommends a "product for the user", which the user can then purchase. (Col. 6, lines 12-15).

Thus, in Tavor, if the products change, the rules must change. This is not so in Applicant's invention. There is no disclosure in Tavor of defining rules relating answers associated with questions to product feature constraints and calculating question scores for the questions and selecting "the question to be presented" based on or in dependence on the question score. Tavor only presents products, not product feature constraints. Thus, claim 1 is not disclosed or suggested. Claims 24, 30 and 31 include similar subject matter and should also be allowable for the above stated reasons. Claims 2-23, 25, 26 and 29 should be allowable at least by reason of their respective dependencies.

2. Claims 7, 8, 15, 16, 21 and 31 are not unpatentable over Tavor in view of Heckerman under 35 U.S.C. §103(a). Claims 7, 8, 15, 16 and 21 should be allowable at least by reason of their respective dependencies, since Tavor does not disclose or suggest each feature of the independent claims for the reasons stated above. Claim 31 is also not disclosed or suggested by Tavor for the reasons stated above.

Furthermore, Heckerman does not overcome the deficiencies of Tavor. Heckerman discusses calculating a score using a conditional probability p that product P is the desired product. (Col. 12, lines 38-50). Tavor uses rules to determine product suitability. There is nothing in either reference that discloses or suggests modifying the rules to include product probabilities. That such a combination could be possible is not based upon objective evidence of record. It is not enough to suggest that the proposed modification would be obvious or that the engineering required would be well within the knowledge of one of ordinary skill in the art. The Examiner must be able to show some objective teaching in the prior art or that the knowledge

available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. In re Lee, 61 U.S.P.Q2d 1430, 1434 (Fed. Cir. 2002). Mere statements to that effect are highly subjective and do not provide the requisite objective evidence or showing. Thus, a *prima facie* case of obviousness is not established.

Also, as noted by the Examiner both Tavor and Heckerman are directed to recommending products. Applicant's invention links user needs to product attributes, which is not disclosed or suggested by the commination. Thus, a *prima facie* case of obviousness is not established and all of the claims are allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 50-0510.

Respectfully submitted,

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Date

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I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 on the date indicated below.

Date: 18 October 2004 Signature: Jay Zieglar